

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DESMOND BELLARD,
Petitioner,

Case No. 3:25-CV-00611-AB

v.

OPINION AND ORDER

RONALD WYDEN,
U.S. Senator,
Respondent.

BAGGIO, District Judge:

INTRODUCTION

Petitioner Desmond Bellard has filed a proceeding for proceeding in quo warranto and seeks an order removing respondent Ronald Wyden, who is a United States Senator, from office. *See* Second Corrected and Amended Petition, Notice of Removal, Exhibit C (“Second Pet. or Second Petition”, ECF 1-3). The proceeding essentially challenges Respondent’s authority to hold public office. *See* Motion to Dismiss Second Corrected and Amended Petition for Proceeding in *Quo Warranto* (“Mot.”, ECF 10), 8¹, n1. Pending before the Court is Respondent’s motion to dismiss the proceeding for lack of jurisdiction and failure to state a claim. Mot., 1. Petitioner did not file a response to Respondent’s motion in the time allowed. *See* LR 7-1(e)(1). As discussed

¹ For clarity, citation to the motion and attached supporting memorandum refers to the CM/ECF pagination in the header of the document rather than the pagination in the footer.

below, the Court GRANTS Respondent's motion and dismisses this proceeding for lack of jurisdiction.

DISCUSSION

Under Oregon law, a proceeding to challenge a person's right to hold public office must be "commenced and prosecuted by the district attorney," not a private citizen. ORS §§ 30.510, 30.610; *see also Mabon v. Wilson*, 340 Or. 385, 394 (2006) (confirming that only a district attorney may initiate a quo warranto proceeding in Oregon). Petitioner is not a district attorney. *See* Second Pet., 1.² Moreover, Petitioner has not been able to obtain the assistance of a district attorney in commencing this proceeding. *See id.* at 4. (stating that Petitioner was informed by a deputy district attorney that the district attorney would not initiate the proceeding). Accordingly, the Court concludes that it lacks jurisdiction to hear this proceeding, *Mabon*, 340 Or. at 394, and dismisses it with prejudice. *See Ho v. Russi*, 45 F. 4th 1083, 1086 (9th Cir. 2022) (dismissal is appropriate when jurisdiction is "obviously not curable").³

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² For clarity, citation to Second Petition refers to the CM/ECF pagination in the header of the document rather than the pagination at the top right.

³ Respondent advances several other arguments regarding lack of jurisdiction and argues that dismissal for failure to state a claim is appropriate, but because the Court finds that it lacks jurisdiction over this proceeding under ORS §§ 30.510, 30.610 it does not reach Respondent's other arguments. *See Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) (federal courts have limited jurisdiction and may only consider claims for which they have subject matter jurisdiction).

CONCLUSION

The Court GRANTS Respondent's Motion to Dismiss [10] and dismisses this proceeding with prejudice.

IT IS SO ORDERED.

DATED this 5th day of June 2025.



AMY M. BAGGIO
United States District Judge